



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 14, 2004

SUBJECT: **2004-0361- Gilbane Properties [Applicant] Gaylord Container Corporation [Owner]**: Application for related proposals on a 11.5-acre site located at **1290 Kifer Road** in an M-S (Industrial & Service) Zoning District (APN: 216-27-010):

Introduction of an Ordinance **Rezone** from M-S (Industrial & Service) to M-S/PD (Industrial & Service/Planned Development) Zoning District,

Motion **Special Development Permit** to allow construction of 7 industrial buildings for a total of 175,577 square feet, and

Motion **Tentative Map** to subdivide one lot into 7 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Industrial building

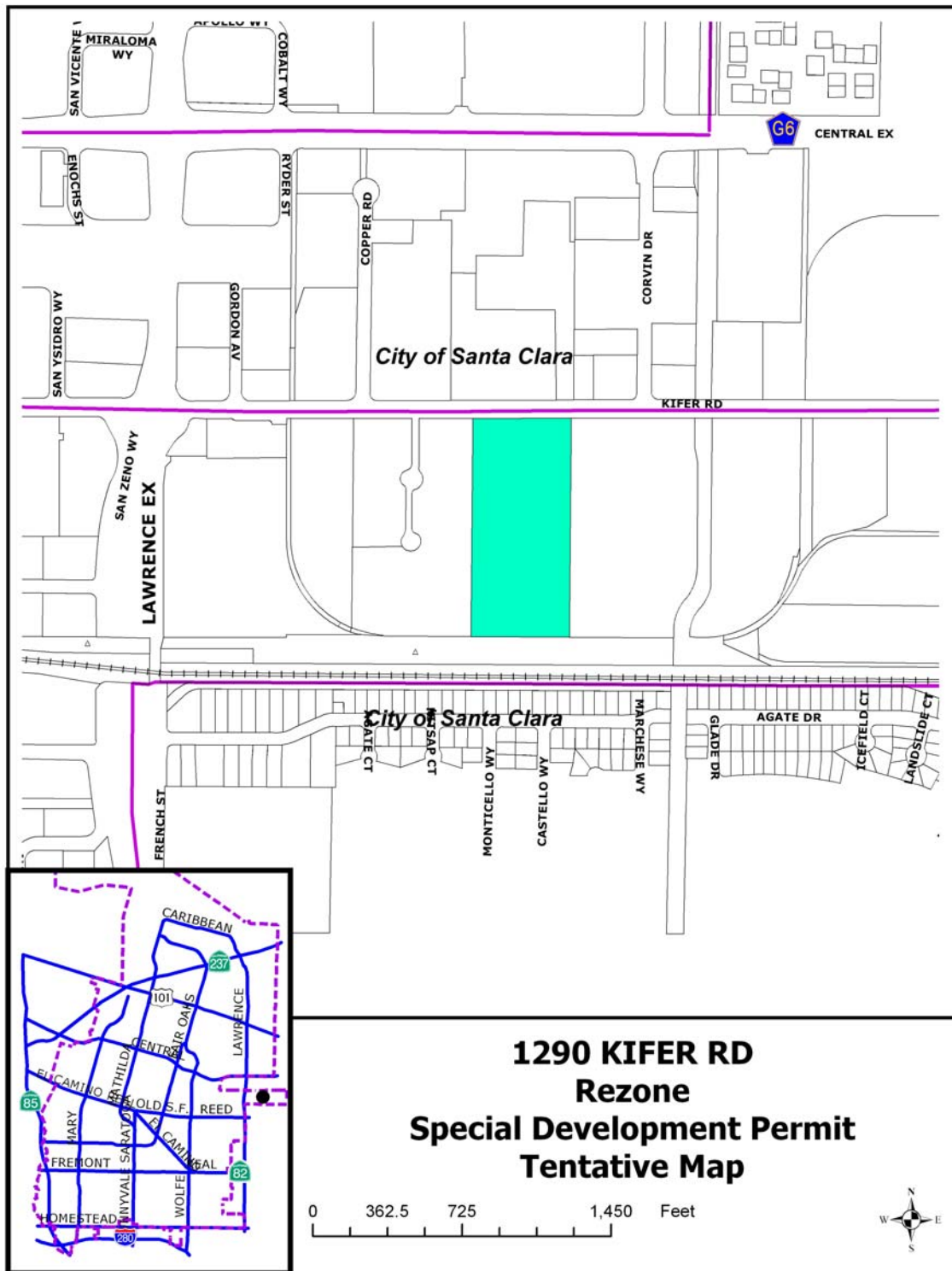
Surrounding Land Uses

North	Industrial
South	Self-Storage and Southern Pacific Railroad
East	Industrial
West	Industrial

Issues Permitted Uses

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial	Same	Industrial
Zoning District	M-S	M-S/PD	Council approval
Lot Size (s.f.)	11.51 acres 501,375 s.f.	Seven lots of approx. 18,900 each and a common lot of 388,215	22,500 min.
Gross Floor Area (s.f.)	107,040 building 41,063 covered area 149,014 total	Seven buildings of approx. 25,000 sq. ft. each 175,557 total	175,557 max.
Lot Coverage (%)	30%	35%	45% max.
Floor Area Ratio (FAR)	30%	35%	35% max.
No. of Buildings On-Site	1	7	No req.
Distance Between Buildings	N/A	64 ft.	29 ft. min.
Building Height (ft.)	25 ft.	35 ft.	75 ft. max.
No. of Stories	1	2	8 max.
Setbacks (ft.) (facing prop.)			
• Front	65	87	35 min.
• Left Side	85	62	20 min.
• Right Side	45	62	20 min.
• Rear	390	62	No min.
Landscaping (sq. ft.)			
• Total Landscaping	25,000 5%	125,770 25%	100,275 min. 20%
• Frontage Width (ft.)	25	17	15 ft. min.
• Parking Lot Area Shading (%)		50% min. in 15 years	50% min. in 15 years
Parking			
• Total No. of Spaces	108	624	352 min. 702 max.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
• No. of Standards	N/A	302	296 min.
• No. of Compacts / % of total	N/A	306/49%	50% max.
• No. of Accessible	N/A	16	11 min.
• Driveway Aisle Width (ft.)	N/A	26 ft.	26 ft. min.
• Bicycle Parking	None	Class I provided within the building 14 Class II	12 Class II min.
Stormwater			
• Impervious Surface Area (s.f.)/%	381,407 / 76%	375,605 / 75%	N/A



Starred and shaded items indicate deviations from Sunnyvale Municipal Code Requirements.

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
6492	Allow an adjacent property to use 95 parking spaces on-site (This use has been discontinued.)	Approved Administrative Hearing	12/15/88
429	Construct industrial building	City Council Approved	06/60

Description of Proposed Project

The proposed project removes the existing building and landscaping and constructs seven new industrial buildings and related parking and landscaping. These buildings are designed for ownership of individual spaces and to allow a variety of industrial uses.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Rezoning

Change Under Consideration: Rezone from M-S to M-S/PD.

Objective: To allow lot sizes smaller than the 22,500 sq. ft. required in the M-S Zoning District to facilitate business ownership of their site.

Discussion: The purpose of this Zoning District is in conformance with Land Use and Transportation Element to maintain a diversity of commercial and industrial uses to sustain and bolster the local economy (see Findings, Attachment 1). Staff supports the proposed Rezone.

Special Development Permit

Use: The proposed buildings are designed for individual ownership of up to nine different tenants in each building for a maximum total of 63 tenants. The individual spaces are designed to be combined if future tenants desire larger spaces.

The mix of uses will range from manufacturing and research and development to small office and business-serving retail. Staff believes that this development provides much needed space for small businesses to establish and operate. In order to maintain this project for small business and ensure adequate parking on-site, staff has worked with the applicant to develop a range of uses which are permitted by right. Additional uses may be considered through a Miscellaneous Plan Permit or Special Development Permit process.

Possible uses are typical for an industrial area includes:

Use Type	Example	Permit Process
Manufacturing	Machine shops, dental labs, cabinetmakers and craft shops	Permitted
Research & Development Offices	Research laboratories, software or prototype engineering	Permitted
Wholesale	Contractor supply, warehouse	Permitted
Industrial services	Printing plant, dry cleaning plant	Permitted
Businesses with fleet vehicles	Heating/air-conditioning companies, contractors, soils engineers, landscapers	Permitted if vehicles are not stored on-site (without being used) for longer than 24 hours during the work week. If vehicles do require long-term storage without associated use, a MPP will be required.
Professional and Medical Office	Accountants, lawyers, real estate agencies, optometrists and dentists	Professional office is permitted up to 50% of gross floor area. Medical office is limited to 10% of the gross floor area. An MPP if required if the ratios exceed this amount.
Restaurant	Restaurant to primarily serve weekday lunch traffic	Permitted up to 5% of the gross floor area. MPP if greater than 5%.
Retail (the sole purpose of the business is retail)	Auto brokers, auto parts, kitchen supply.	Permitted up to 10% of the gross floor area. MPP if greater than 10%.
Financial institutions	Banks, credit unions	Special Development Permit
Auto repair and service	Body shops, wheel alignment	Special Development Permit
Recreation, cultural or amusement enterprises	Gymnasiums, community centers	Special Development Permit

Other Industrial Condos: There are several other industrial condos in the City. One is located on Weddell Drive and the other is on Aster Avenue. Both projects converted existing industrial buildings to condominiums. Uses within the buildings consisted primarily of manufacturing and small office. The

primary concern stated in both staff reports was the formation of the association that would be responsible for the ongoing maintenance of the property. Since that time, only a small number of minor maintenance complaints have been received by the Neighborhood Preservation division.

Owners' Association: As a condominium project, the project is required to have an association to manage landscaping, parking and other common area amenities and utilities. The minimum requirements for this association are described in Condition of Approval #10.

Site Layout: The site has a central driveway that leads to two double-rows of parking separated by a 10 ft. landscape strip. All buildings face the center of the site with entranceways and the majority of parking located in the middle. Service entries with roll-up doors are located behind the building, along with a small amount of parking and areas that can be designated for outside storage of equipment or materials. The frontage has a 15 ft. wide landscape strip with construction of a sidewalk and ornamental landscaping.

Art in Private Development: This project must provide art in conformance with the requirements of SMC Chapter 19.52. An area along Kifer Road has been reserved for the placement of a piece, but final review and approval must be obtained from the Arts Commission (Condition of Approval #22)

The following Guidelines were considered in analysis of the project site design.

Site Design Policy or Guideline Industrial Design Guidelines	Comments
<i>A5. In multi-building complexes, a distinct visual link shall be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping and walkways to unify the project.</i>	This site has a strong axis with a 10 ft. wide landscape strip down the center of the parking lot. The rhythm of the buildings and entranceways link the site together in an organized theme.

Architecture: The two-story buildings are designed to accommodate a small second-story mezzanine at the front of the center tenant spaces. The mezzanine has windows on the front elevation and the rear of the space has a double-height ceiling to accommodate a variety of storage, lab, or vehicle parking.

The proposed architecture is designed to create a “store-front” look, accommodating multiple tenants and creating as much visual interest as possible within a simple building form. The buildings are rectangular, with 15 ft. long, 3-ft. deep insets to break up the front elevation. These insets are further emphasized through lower parapet roofs, darker colors and canopies

(see Attachment 4, Elevations). The applicant proposes two color schemes to differentiate the buildings. It is recommended that final approval of the materials and colors be obtained from the Director of Community Development (Condition of Approval #23)

The following Guidelines were considered in the analysis of the project architecture.

Architecture Design Policy or Guideline Industrial Design Guidelines	Comments
<i>B2. In multi-building complexes, a comprehensive architectural concept shall be developed and maintained.</i>	All buildings have the same architectural design, but two different color schemes will provide variety.
<i>B4. Where function necessitates a basic, box-like building form, exterior articulation such as change in color, material, or plane shall be introduced on an outer decorative shell encompassing facades which are visible from public street.</i>	The project proposes small insets, color changes and roof heights to create visual interest in the front elevation.
<i>E1 A comprehensive material and color scheme shall be developed for each site. Material and color variations in multi-building complexes shall be complementary and compatible among structures.</i>	The two proposed color schemes are complementary.

Landscaping: The proposed landscaping serves both functional and decorative requirements. The 10-foot wide landscaped swale at the center of the site treats stormwater runoff and the large number of parking lot trees is intended to shade 50% of the parking lot in 15 years.

Aesthetically, the most important landscaping is along Kifer Road. The project proposes colorful accent trees and groundcover along Kifer, with a curving entry lawn at the entry to the site. Several evergreen trees are proposed along the perimeter. Final review and approval of the landscape plan shall be approved by the Director of Community Development prior to issuance of the building permit (Condition of Approval #28).

Stormwater Management: This project falls within the requirements of the new stormwater ordinance (SMC Chapter 12.60). Any project that creates or disturbs one acre of impervious surface must propose treatment systems and best management practices that capture approximately 10% of a fifty-year peak rate, or equivalent (SMC 12.60.150(2)). The proposed design has landscaped swales in the center of the project and along the perimeter that are designed to

capture this amount. The final stormwater management plan must be approved prior to issuance of the building permit (Condition of Approval #29).

The following Guidelines were considered in analysis of the project landscaping.

Landscape Design Policy or Guideline	Comments
Industrial Design Guidelines	
<i>Landscaping shall be designed to enhance the overall aesthetic quality of each site. Landscape material shall be drought resistant.</i>	The proposed landscaping design links the different site elements together and shall provide a visually pleasing look from the street.

Parking/Circulation: The project provides 624 parking spaces, or approximately 1 space/ 280 sq. ft. that will be shared by all seven buildings. 50% of these spaces are compact. The parking amount is intended to provide the most flexibility of use for the buildings. Below is a list of typical uses and Zoning Code parking ratios for each use:

Use	Ratio (space/sq. ft.)
Warehouse	1/900
Manufacturing/R&D	1/500 min. 1/250 max.
Professional Office	1/225
Medical Office	1/200
Auto Repair	1/180 (can include bays and repair stalls within the building)
Retail	1/180
Banks	1/180
Restaurant	1/110

The buildings will have a mix of uses, as outlined in the Use section and defined in Condition of Approval #9. This mix was created in order to maximize the use of existing parking and to take advantage of the shared parking that is possible between the uses. Staff finds that the proposed parking is adequate for the permitted uses.

The circulation on-site consists of the compact spaces located in the center with regular spaces perpendicular to the entrances and rear of the buildings. Roll-up doors at the rear of the building allow for vehicular traffic for such uses as delivery, fleet storage, and/or auto repair. The rear of the buildings has a 26 ft. back up distance with an additional 20 ft. of driveway leading to the roll-up door, which is adequate circulation distance.

Tentative Map

General: The proposed Tentative Map creates a new lot for each individual building, with a common lot containing the parking and landscaping areas. The buildings will be further subdivided into condominiums for up to 63 spaces.

Access: Access to the buildings is from the common lot, which will be maintained by the public

Transportation Impact Fee

This project is subject to the transportation impact fee. The existing use of 149,014 sq. ft. is classified as manufacturing, while the new use will be calculated at the R&D rate. The fee is approximately \$83,000 assuming building permits are issued prior to June 20, 2005. After that time the fee will increase.

Compliance with Development Standards

This project is in substantial conformance with applicable development standards. The only deviation is for the minimum lot size of 18,500 (where 22,500 is required). Justifications can be made for that deviation because of Economic Development goals and policies that support incubator space for small businesses. Visually, the project as a whole meets the M-S development standards.

Expected Impact on the Surroundings

The project meets the development standards for the M-S Zoning District. The proposed use is adequately parked and would not contain uses that create a substantial noise or visual impact on the surrounding properties.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 31 notices were mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Recommend that the City Council adopt the Negative Declaration and introduce an Ordinance to Rezone 1260 Kifer Road from M-S to M-S/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Recommend that the City Council adopt the Negative Declaration and introduce an Ordinance to Rezone 1260 Kifer Road from M-S to M-S/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Recommend that the City Council adopt the Negative Declaration and do not introduce an Ordinance to Rezone 1260 Kifer Road and deny the Special Development Permit and Tentative Map.
4. Recommend that the City Council does not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Letter from the Applicant
6. Draft Rezoning Ordinance

Recommended Findings – Rezone

Goals

Land Use and Transportation Element - Sustain a strong local economy that contributes fiscal support for desired City services and provides a mix of jobs and commercial opportunities.

Policy

Land Use and Transportation Element – Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.

The proposed zoning district allows for individual ownership of industrial spaces, thereby supporting the goals that promote a diversity of uses and business opportunities. Staff supports the rezone with the proposed uses as the Rezone is in the public interest.

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project creates a new industrial complex that complies with the development standards for the M-S Zone. The project provides incubator spaces for small businesses and start-ups, meeting the goals discussed in the Rezone section.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed uses are consistent with the M-S Zone and the proposed building and landscaping designs meet the design policies in the Industrial Design Guidelines (as discussed throughout the staff report).

Recommended Findings - Tentative Map

The subdivision, together with the provisions for its design and improvements, is not in conflict with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets objectives of the Zoning District and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

However, if the Planning Commission finds any of the following findings, the Planning Commission must deny the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

None of the above Findings could be made, therefore staff recommends approval of the Tentative Map as it is consistent with the General Plan and Subdivision Map Act.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
3. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
4. Project shall be in substantial conformance to the approved plans dated June 14, 2004. The Director of Community Development may approve minor changes; major changes may be approved at a public hearing by the Planning Commission.
5. Reproduce the conditions of approval on the cover sheet of the plans submitted for building permits.
6. A specific deviation allowed with this Special Development Permit is a minimum lot size less than 22, 500 sq. ft.
7. Comply with Traffic Impact Fee requirements prior to issuance of a Building Permit. (SMC 3.50)
8. This project will disturb five or more acres of land, therefore is subject to the General Construction Permit for stormwater discharges. The owner/developer is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for construction activities. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and be available at the job site at all times. A copy of the Waste Discharger's Identification Number (WDID) from the SWRCB shall be provided to the City prior to the issuance of grading or building permits.

9. The project shall allow the following uses through the procedure described:

Use Type	Example	Permit Process
Manufacturing	Machine shops, dental labs, cabinetmakers and craft shops	Permitted
Research & Development Offices	Research laboratories, software or prototype engineering	Permitted
Wholesale	Contractor supply, warehouse	Permitted
Industrial services	Printing plant, dry cleaning plant	Permitted
Businesses with fleet vehicles	Heating/air-conditioning companies, contractors, soils engineers, landscapers	Permitted if vehicles are not stored on-site (without being used) for longer than 24 hours during the work week. If vehicles do require long-term storage without associated use, a MPP will be required.
Professional and Medical Office	Accountants, lawyers, real estate agencies, optometrists and dentists	Professional office is permitted up to 50% of gross floor area. Medical office is limited to 10% of the gross floor area. An MPP if required if the ratios exceed this amount.
Restaurant	Restaurant to primarily serve weekday lunch traffic	Permitted up to 5% of the gross floor area. MPP if greater than 5%.
Retail (the sole purpose of the business is retail)	Auto brokers, auto parts, kitchen supply.	Permitted up to 10% of the gross floor area. MPP if greater than 10%.
Financial institutions	Banks, credit unions	Special Development Permit
Auto repair and service	Body shops, wheel alignment	Special Development Permit
Recreation, cultural or amusement enterprises	Gymnasiums, community centers	Special Development Permit

CONDITIONS, COVENANTS AND RESTRICTIONS

10. This project requires Conditions, Covenants, and Restrictions (CC&R's). The CC&Rs shall be reviewed, approved, and recorded with issuance of the Tentative Map. They shall contain provisions including but not limited to the following items:
- a) All Conditions of Approval, including permitted uses and parking restrictions must be included.
 - b) Owner's association approval is required for any use requiring review through a Miscellaneous Plan Permit or Special Development Permit.
 - c) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the owners in the CC&R's.
 - d) The Owners Association shall maintain park strip landscaping in perpetuity along the public street fronting the project site. (SMC 13.08.370 and 13.08.380)
 - e) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to an Owner's Association, following sale of at least 75% of the units, whichever comes first. (Provisions in the Subdivision Agreement, not found in the SMC)
 - f) Owners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
 - g) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management. (SMC 12.60.200)
 - h) Owners are prohibited from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City.
 - i) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management. (SMC 12.60.200)

SITE LAYOUT

11. This project requires abandonment of an existing private railroad spur track that requires coordination with other agencies prior to map recordation.

12. The required solid waste and recycling enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
13. Existing and proposed overhead utility lines (electrical, telephone and cable TV) on-site and along street frontage shall be placed underground prior to occupancy. (SMC 18.08.030 and SMC 19.38.090 (a))
14. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Provide photocells for on/off control of all security and area lights.
 - c. All exterior security lights shall be equipped with vandal resistant covers.
 - d. Wall packs shall not extend above the roof of the building.
 - e. Pole heights not to exceed 16 ft.

PUBLIC IMPROVEMENTS/UTILITIES

15. If the project is developed in phases, all public improvements shall be completed with the first phase, unless otherwise approved by the Director of Public Works. Phase 1 development shall also include completion of all on-site improvements except building pad areas with hydro-seeds to the City's satisfaction. All conditions for Phase 1 development shall be completed prior to issuance of any permits for Phase 2, unless otherwise approved by the Director of Public Works.
16. The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works. (SMC 18.08)
17. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility conduits/vaults relocation due to grade change in the park strip area, caused by the development. (SMC 18.20.250) Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements (MCS 12.08.020).

18. Installation of new Radio Read meters will be required. (Encroachment Permit requirement)
19. Install new double check detector assembly for fire services.
20. This project requires reservation of a 10-foot wide public utility easement along the frontage of Kifer Rd. (SMC 18.16.010 (c), SMC 18.12.080 if applicable)
21. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

ART IN PRIVATE DEVELOPMENT

22. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building Permit. The application shall provide publicly visible artworks along Kifer Road. It must comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52.

BUILDING DESIGN AND SIGNS

23. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
24. A Master Sign Program shall be reviewed and approved by the Director of Community Development prior to installation of any commercial signs.

PARKING

25. Fleet vehicles are permitted provided that they are not stored (parked on-site without associated use) for longer than 24 hours during the work week. Long-term storage of fleet vehicles requires approval through a Miscellaneous Plan Permit.
26. Install a stop sign at each driveway.
27. Provide 14 Class II bicycle spaces.

LANDSCAPING

28. Submit landscape and irrigation plans subject to approval by the Director of Community Development prior to issuance of a Building Permit. Install landscaping and irrigation prior to occupancy. The landscape plan shall include the following elements:
 - a. At the expense of the subdivider, City forces shall install *Platanus acerifolia* "Yarwood" variety of London Plane tree

for the street trees as required by the Public Works Department.

- b. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- c. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- d. All areas not required for parking, driveways or structures shall be landscaped.
- e. Private streets and parking to conform to Title 19.38 requirements for landscaping and asphalt shading.
- f. Provide trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- g. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- h. No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.

STORMWATER

- 29. Submit a stormwater plan that complies with the requirements of SMC 12.60 for review and approval by the Director of Community Development prior to issuance of the building permit.

Recommended Conditions of Approval - Tentative Map

- 1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
- 2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
- 3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
- 4. This project requires reservation of emergency vehicle ingress-egress easement on the common lot
- 5. Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project shall be recorded with the map or prior to occupancy. (SMC 18.16.010 (c),

Subdivision Map Act §66475 and §66499.20-1/2 for public easements. Quitclaim Deed is required for abandonment of private easements) No permanent structures are allowed within any of the easement limits.

6. This project is required to resolve certain encroachment items as identified as item #6 of Schedule B in the title report dated 3/22/04 prior to recordation of the Final Map.
7. Connect to all City utilities or private utilities operating under a City franchise which provides adequate levels of service.
8. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
9. The on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
10. Construct all public improvements prior to occupancy.
11. Installation of the water system shall conform to City standards and shall be part of the City (or franchised utility) system up to the master water meter serving the project. The water system shall be privately owned and maintained beyond the meters.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING THE PRECISE ZONING PLAN,
ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY
LOCATED AT 1290 KIFER ROAD FROM M-2 (INDUSTRIAL
AND SERVICE) TO M-2/PD (INDUSTRIAL AND SERVICE AND
PLANNED DEVELOPMENT) ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS
FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.070 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the M-2/PD (INDUSTRIAL AND SERVICE AND PLANNED DEVELOPMENT) ZONING DISTRICT which properties are presently zoned M-2 (INDUSTRIAL AND SERVICE) ZONING DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit “A.”

SECTION 2. CEQA COMPLIANCE. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a copy of this ordinance to be published at least once within fifteen (15) days after its adoption in The Sun, the official newspaper of the City of Sunnyvale.

Introduced at a regular meeting of the City Council held on July 13, 2004,
and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the
City Council held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

SEAL

